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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Yoshinori HAYASHI, et al.

SERIAL NO: 09/982,831

FILED: October 22, 2001

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: EXAMINER: N/A

: GROUP ART UNIT: N/A

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APR 22 2002

OFFICE OF PETITIONS

TITLE: OPTICAL SCANNING DEVICE, IMAGING APPARATUS, AND IMAGING METHOD

**PETITION FOR GRANTING OF FILING DATE AND RESPONSE TO THE NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In Response to the Notice of Incomplete Nonprovisional Application dated January 23, 2002, Applicants hereby request that the filing date of October 22, 2001 be accorded to the present application based upon the following discussion.

On October 22, 2001, Applicants deposited in the U.S. Patent and Trademark Office, the above-identified application which included a copy of the 48 pages of the Specification and 33 Claims. A copy of the utility application transmittal form, along with a copy of the entire Specification as filed with all the claims, and a copy of the date-stamped filing receipt are enclosed evidencing the aforementioned filing.

Enclosed herewith please find the necessary petition fee for according the proper filing date. Applicant submits, however, that no fee is due since the error is on the side of the U.S. Patent and Trademark Office. Accordingly, it is respectfully requested that a refund be issued to our Deposit No. 15-0030.

In addition, the Patent and Trademark Office's request for additional claim fees is believed to be in error, since only 33 claims are in this Application, as discussed above. A copy of the claim calculation sheet filed with the Application is also enclosed, demonstrating that all required fees were paid at the time the Application was filed.

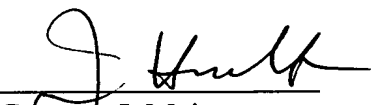
Further, enclosed is a copy of the Declaration that was filed with the Application. Therefore, the request for the Declaration is also believed to be in error.

In order to expedite prosecution, Applicants' Attorney is submitting signed copies of the documents indicated above.

In view of the foregoing, favorable consideration of this petition is felt to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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